**Mr. President:** These matters will be looked into.

### 3. Token cut of Re. 1.—30 Civil Engineering

**Rao Sahib K. Ayyappan** *(Minister for Public Works)*: I move a token motion of Re. 1 for transfer from B. I. 336 under Civil Engineering.

*Motion put and carried*

## 4. LEGISLATIVE BUSINESS

### Official Bills

### (i) The Cochin Prohibition Bill

**Rao Bahadur T. K. Nayar** *(Minister for Public Health)*: Sir, I move that the Cochin Prohibition Bill be taken up and finally passed.

**Mr. M. Sivarama Menon** *(Constitutional Adviser)*: I second it.

*Motion put and carried*

### (ii) The Registration of Births and Deaths Act (Amendment) Bill

**Rao Bahadur T K. Nayar** *(Minister for Public Health)*: Sir, I move that the Registration of Births and Deaths Act (Amendment) Bill be taken up and finally passed.

**Mr. M. Sivarama Menon** *(Constitutional Adviser)*: I second it.

*Motion put and carried*

### (iii) The Chittur Cess Recovery Bill

**Rao Bahadur T. K. Nayar** *(Minister for Public Health)*: I move that the Chittur Cess Recovery Bill be taken up and finally passed.

**Mr. M. Sivarama Menon** *(Constitutional Adviser)*: I second it.

*Motion put and carried*

### (iv) The Cochin Cocoanut Committee Act (Amendment) Bill

**Rao Bahadur T. K. Nayar** *(Minister for Public Health)*: I move that the Cochin Cocoanut Committee Act (Amendment) Bill be taken up and finally passed.

**Mr. M. Sivarama Menon** *(Constitutional Adviser)*: I second it.

*Motion put and carried*

### (v) The Cochin Oil Seeds Committee Bill

**Rao Bahadur T. K. Nayar** *(Minister for Public Health)*: I move that the Cochin Oil Seeds Committee Bill may be taken up and finally passed.

**Mr. M. Sivarama Menon** *(Constitutional Adviser)*: I second it.

*Motion put and carried*

### (vi) The Cochin Income-tax Act (Amendment) Bill

**Rao Bahadur T. K. Nayar** *(Minister or Public Health)*: I move that the Cochn Income-tax Act (Amendment) Bill be taken up and finally passed.

**Mr. M. Sivarama Menon** *(Constitutional Adviser)*: I second it.

*Motion put and carried*

## 5. NON-OFFICIAL BILLS

### (1) The Cochin Free Compulsory Primary Education Bill

**Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri)*: Mr. President, I beg to present the Select Committee Report upon the Cochin Free Compulsory Primary Education Bill and move that the Bill as reported by the Select Committee be considered by this House. In making that motion I have only to state that with the change of front of the Government from one of opposition to compulsory primary education when I had the privilege of sponsoring a similar Bill some 10 years back, into one of whole-hearted acceptance of the idea of Free Compulsory Primary Education, as made clear at the earlier stage of my Bill my work has not only been minimised but has become completely not necessary. This Bill was introduced by me in the Vrischigam Session. It was referred to a Select Committee and the Select Committee's report is before the Hon'ble Members. Much in the shape of a change from the draft Bill has not been

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made. There was not much to be done and the Bill as amended by the Select Committee has been before the Hon'ble Members for pretty long time. There are no amendments tabled by any Hon'ble Member except the Hon'ble Minister for Education, who was also the Chairman of the Committee. He, Sir, has placed before the Hon'ble Members, a few amendments. All except the last one on clause 10 of the Bill, that is clause (b) of Amendment No. 6, all except that, are amendments, according to me, of a drafting nature helpful to make the meaning more clearly understood and certain administrative necessities. So they also do not require much of time and thought at our hands. Some thought will have to be spent upon amendment 6 (b) on sub-clause (2) of clause 10 of the Bill. I shall deal with it when we come to that.

Before I sit down I wish to make this one observation more. As stated by the Hon'ble Minister last time. the principle of the Bill is accepted and the Government must be considered to be serious in implementing the provisions of this Act when it becomes law. The Hon'ble Minister stated last time, that out of the total population of children of school-going age, only nearly 71,000 are out of school. I do not know whether the figures are correct. Anyhow our record is much better than what it is in other parts. But even if the figure is correct, the idea of leaving these 71,000 children of school-going age not attending any school is not anything commendable. And I therefore, stress, Sir, if this Bill becomes law and is placed on the Statute Book, that the necessary things to implement the Act may be immediately taken up. Why I refer to this particularly now is that I do not find in the next year's budget. which has made ample provision for the Education Department, although very many items of a crying nature are not included there, still a good amount has been allotted which was in certain respects referred to by the Hon'ble Minister when he introduced the Demand before this House, any provision made for implementing the Act when it goes to the statute book. So, my submission, Sir, is this, that the provisions of this Bill may be implemented at the earliest possible date.

I find the provision of Rs. 25,000 in the budget for starting of new schools. That is a good provision, but my position as far as this Bill is concerned and the particular way in which it has to be implemented especially in the early stages is that our existing schools that have not succeeded in bringing in all the children in the neighbourhood should be filled with such children. These children keep out of the neighbouring schools mainly for two reasons. A large number will fall under the group which is not in a position to pay for it. As primary education is free here. to pay for it means to have the wherewithals to go to the schools, the necessary clothing, the necessary school materials, books and other things and also food. Before going in for intellectual food you must have the other food. It is because of these difficulties that a large section of children keep out of schools, not attending schools close by. But equally large number in some particular areas, especially in Chittur Taluk and some portions of the Talappalli Taluk, unlike the more advanced Taluks of Trichur, Mukundapuram and Cochin-Kanayannur, keep out as, in many cases the guardians are averse to send their children to school, although they have got facilities for spending for their wards' education. Probably it may strike as something strange that there are in Cochin guardians who are unwilling to send their children to school but unfortunately such things do exist, My friend, the Hon'ble Member from Chittur Taluk, the representative of the Ezhuva community might know that close by his house, there is a school, Sirkar school with all the 4 classes and teachers and a well inhabited area, but many children are out of schools. This is a fact, which I, for the purpose of my earlier Bill, studied with the help of the educational authorities and I found that large number of children remaining outside the school belong to that group of unwilling guardians. Although the school exists there and the guardians happen to be in a position to meet the expenditure for sending up their children to school, that is a fact which will be borne testimony to by my Hon'ble friend Mr. K. R. Ramakrishnan and there are similar other areas in Chittur Taluk and a few parts in Talappalli Taluk also.

I would therefore respectfully invite the attention of the Hon'ble Minister for Education to tackle this first. I would say that these areas may be taken up first and they may be tackled first so that our brothren in those places in those two taluks particularly may come up to the level of the southern taluk, Cochin-Kanayannur. The Administration Report and the Census Report will show the percentage of literacy in the various taluks and you will be pleased to find Sir, that the percentage of literacy in these southern taluks is highest, while the percentage of literacy in Chittur Taluk is the lowest, it being somewhere near 25, while in the south it is 65 or nearly 70. There is thus a wide gulf between the percentage of literacy between the southern and the eastern and northern ends. Talappalli taluk will come next to Chittur in the matter of low percentage of literacy. So, I invite the attention of the Hon'ble Minister for Education to

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this aspect. I move, Sir, that this Bill be considered by this House as reported by the Select Committee.

മിസ്സിസ്സ് ടി. ഫ്രാൻസിസ്സ്: സർ, പ്രാഥമിക വിദ്യാഭ്യാസം സൗജന്യ പരത്തണമെന്നുള്ളതു് ഗവണ്മെണ്ടു് ഉദ്ദേശിച്ചിട്ടുള്ള കാര്യമാണെന്നാണു് ബഹുമാനപ്പെട്ട വിദ്യാഭ്യാസമന്ത്രിയുടെ explanation ൽനിന്നു ഞാൻ മനസ്സിലാക്കുന്നതു്. അതുകൊണ്ടു് ഉടനെതന്നെ ബഹുമാനപ്പെട്ട മെമ്പർ അവതരിപ്പിച്ചിരിക്കുന്ന ഈ Compulsory Primary Education Bill കൊച്ചിരാജ്യം ഒട്ടാകെ പരത്തേണ്ടതു് അത്യാവശ്യമാണെന്നാണു് എനിക്കു തോന്നുന്നതു്. യാതൊരു നിബ്ബന്ധവും കൂടാതെ കുട്ടികളെ പ്രാഥമികവിദ്യാഭ്യാസത്തിന്നയക്കുവാൻ കാരണവൻമാർ മുതിരുകയില്ല. വല്ലവരുടെയും വേലക്കുനിന്നു്, അങ്ങിനെ വല്ല സമ്പാദ്യമുണ്ടാക്കാനൊ, അല്ലെങ്കിൽ വീട്ടിൽതന്നെ വേലനോക്കുവാനൊ കുട്ടികളെ അയക്കുന്നതായിട്ടാണു് ദരിദ്രന്മാരുടെ ഇടയിൽ അധികമായി കാണുന്നതു്. അതുകൊണ്ടു് ഒരു നിബ്ബന്ധനിയമംമൂലം കുട്ടികളെ സ്കൂളിലേക്കയക്കുവാൻ കാരണവന്മാരെ പ്രേരിപ്പിക്കേണ്ടതു് ആവശ്യമാണു്. ഇതിനെപ്പറ്റി അധികം വിസ്തരിച്ചു പറയുവാൻ ഞാൻ ഉദ്ദേശിക്കുന്നില്ല. ഇതിന്റെ സൗജന്യം വശങ്ങളും ഗവണ്മെണ്ടു് ആലോചിച്ചിരിക്കുന്നതുകൊണ്ടും, ഇങ്ങിനെ ഒരു നിയമം നടപ്പാക്കണമെന്നു് ഉദ്ദേശിച്ചിട്ടുള്ളതുകൊണ്ടും അതു് അധികം താമസിയാതെ കൊച്ചിരാജ്യം ഒട്ടാകെ നടപ്പാക്കുമെന്നു് വിശ്വസിച്ചുകൊണ്ടു് ഞാൻ ഈ ബില്ലിനെ അനുകൂലിക്കുന്നു.

*Motion put and carried*

**Mr. President:** There are certain amendments tabled. I suppose we can take them in the order of clauses.

*Clauses 2 and 3.*—The question is that clauses 2 and 3 shall form part of the Bill.

*Motion put and carried.*

*Clause 4.*—

**Mr. P. Govinda Menon** *(Minister for Food and Education):* Sir, I move that in sub-clause 2, the word "may" shall be substituted for the word "shall" where it occurs for the second time. The sub-clause as amended will read as follows.—

"Every Education Committee shall be constituted in such manner and for such period and may have such duties, powers and responsibilities as shall be prescribed." The amendment is simply verbal.

**Rao Sahib K. Ayyappan** *(Minister for Public Works):* I second it.

*Motion put and carried.*

**Mr. P. Govinda Menon** *(Minister for Food and Education):* Sir, I move that in clause (i) of the proviso the words "Private Primary schools" shall be substituted for the words "Primary schools." The object is clear.

**Rao Sahib K. Ayyappan** *(Minister for Public Works):* I second it.

**Mr. K. S. Panicker** *(Ezhuvas-Trichur):* On a point of information. "Managers" എന്നതു പ്രൈവറ്റ് സ്കൂളുകളിലല്ലേ ഉള്ളൂ?

**Mr. P. Govinda Menon** *(Minister for Food and Education):* To make it clear that it is the Manager. It is for that reason the word is so inserted.

**Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri):* Even without that, will not the idea be conveyed?

**Mr. P. Govinda Menon** *(Minister for Food and Education):* There is some difficulty. The Government of Cochin is referred to as the Manager of the Maharaja's College in some correspondence. *(Laughter).*

*Motion put and carried*

**Mr. P. Govinda Menon** *(Minister for Food and Education):* Sir, I move that in clause (v) of the proviso for the words "likewise nominated" the words "nominated by Government" shall be substituted. That is simply for the purpose of improving the language.

**Rao Sahib K. Ayyappan** *(Minister for Public Works):* I second it.

*Motion put and carried*

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**Mr. P. Govinda Menon** *(Minister for Food and Education):* Sir, I move that for clause (*vi*) of the proviso, the following shall be substituted.—

"(*vi*) An Inspector of Schools or a Deputy Inspector of Schools"

In the clause it was proposed that the Committee shall have the Director of Public Instruction as one of the members. There is a likelihood of there being several Committees and for administrative reasons, it was proposed that instead of the Director of Public Instruction, the Inspector of Schools or the Deputy Inspector of Schools may be nominated as a member of the Committee.

**Mr. M. Sivarama Menon** *(Constitutional Advisor):* I second it.

*Motion put and carried*

*Clause 4 as amended put and carried*

**Mr. P. Govinda Menon** *(Minister for Food and Education):* I move that in clause 5, sub-clause (*i*) the words "in such manner as to interfere with their attendance in recognised primary schools" shall be added at the end. If it is done, it will read like this.—

"5. (1) In particular and without prejudice to the generality of the provisions of this Act, it shall be the duty of the Education Committees to enforce the provisions of this Act in regard to attendance at school and the employment of children in such manner as to interfere with their attendance in recognised primary schools". The reasons are clear. It is not the object of this Bill to prevent the employment of children. Other legislation there are for that purpose and if there are other legislation which prevents the employment of children, there will be other authorities to enforce. The function of the Education Committee is to see that attendance is made compulsory and employment which will interfere with their attendance will be prevented.

**Rao Sahib K. Ayyappan** *(Minister for Public Works):* I second it.

**Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri):* Are you satisfied with the language ?

**Mr. M. Sivarama Menon** *(Constitutional Adviser):* In such manner as *not* to interfere.

*Motion put and carried*

**Mr. P. Govinda Menon** *(Minister for Food and Education):* Sir, I move that in sub-clause (2), the words "provided by" shall be substituted for the words "as may be enacted in".

**Mr. M. Sivarama Menon** *(Constitutional Adviser):* I second it.

*Motion put and carried*

*Clause 5 as amended put and carried*

**Mr. P. Govinda Menon** *(Minister for Food and Education):* Sir, I move that in clause 6 of the Bill, for the words "being compelled" and "it shall", the words "so caused" and the words "the child shall" be respectively substituted.

**Mr. M. Sivarama Menon** *(Constitutional Adviser):* I second it.

**Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri):* Where a notification under section 2 is in force in any area every guardian, shall, if such guardian ordinarily resides in such area cause such a child to attend a recognised primary school; and once a child has been so caused to attend school under this Act the child shall be compelled to complete the full course of primary education or till it reaches the age of fifteen.

**Mr. P. Govinda Menon** *(Minister for Food and Education):* The reason is this. Clause 6 "where a notification under section 2 is in force in any area every guardian shall, if such guardian ordinarily resides in such area cause such a child"—please note the words "cause such a child"—"to attend a recognised primary school; and once a child has been compelled to attend school . . . ."—for the purpose of better wording the amendment is proposed "and once such a child has been so caused to attend school".

**Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri):* Can you do away with the word "been" ?

**Mr. P. Govinda Menon** *(Minister for Food and Education):* "Been" must be there. Instead of the word "compelled", the words "so caused" may be substituted. Instead of the word "it", the words "the child" is proposed to be substituted.

**Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri):* "It" will very well do.

*Motion put and carried*

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*Clause 6 as amended put and carried*

**Mr. P. Govinda Menon** *(Minister for Food and Education):* The amendment proposes to recast clause 7 entirely without changing the purport. I move that for clause 7, the following shall be substituted.—

"A child may be exempted from compulsory attendance at school under this Act (1) by Government on religious grounds or on account of social customs; and (2) by the Education Committee

(*a*) when it is receiving, otherwise than in a recognised primary school, instruction in a school approved by the Education Committee: or

(*b*) when it is receiving otherwise than in a recognised primary school, education which in the opinion of the Education Committee, is efficient or has received from the Education Committee, a certificate of having already completed its primary education or;

(*c*) where it is impracticable or inexpedient that it should attend school, on account of illness, disease, injury, affliction, infirmity or of any other cause regarded as sufficient by the Education Committee subject to such rules as may be prescribed in this behalf; or

(*d*) where there is no recognised primary school within a distance of one mile measured along the nearest road from the residence of the child which the child can attend"

**Mr. M. Sivarama Menon** *(Constitutional Adviser):* I second it

*Motion put and carried*

*Clause 7 as amended put and carried*

**Mr. P. Govinda Menon** *(Minister for Food and Education):* For sub-clause (1) of clause 8, I move that the following shall be substituted.—

"8(1). When the Education Committee has reason to believe that a guardian of any child to whom this Act applies and who is bound under section 6 to cause such child to attend a recognised primary school has failed to do so, or that any person other than the guardian is utilising the time or services of a child in connection with any employment whether for remuneration or not in such way or at such time as to interfere with the attendance of the child at a recognised primary school, it shall warn him in writing to cause the child to attend school, or to refrain from utilising the services of the child so as to interfere with his attendance at the school, as the case may be, within one week from the receipt of such warning".

**Mr. M. Sivarama Menon** *(Constitutional Adviser):* I second it.

*Motion put and carried*

**Mr. P. Govinda Menon** *(Minister for Food and Education):* I move that in sub-clause (2) for the words "it shall lodge" the words "the Education Committee or any member authorised by the committee" may be substituted. The substitution is required in the following sense. The clause as it stands empowers only the Education Committee to lodge a complaint. If the amendment is accepted, not only the Education Committee but any member of the Committee authorised by the Committee may lodge the complaint. That is the purpose of the amendment.

**Mr. M. Sivarama Menon** *(Constitutional Adviser):* I second it. But the words "shall lodge" should be retained, "it" alone has to be substituted.

**Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri):* Many vital words are being taken away from your amendment!

*Motion put and carried*

**Mr. P. Govinda Menon** *(Minister for Food and Education):* I move that in sub-clauses (2) and (3) the words "or children" wherever they occur shall be deleted, because, the word "child" will embrace children also. It is not necessary to use the plural.

**Mr. M. Sivarama Menon** *(Constitutional Adviser):* I second it.

*Motion put and carried*

*Clause 8, as amended and clause 9 put and carried*

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**Mr. P. Govinda Menon** *(Minister for Food and Education):* I move that in sub-clause (1) of clause 10, for the words "accepted from", the words "payable by" shall be substituted. The clause as it stands reads as follows: "No fee shall be accepted from any pupil for any tuition in any recognised primary school". As amended, it will read "No fee shall be payable by any pupil for any tuition in any recognised primary school".

**Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri):* I second it, Sir.

*Motion put and carried*

**Mr. P. Govinda Menon** *(Minister for Food and Education):* I move that in sub-clause (2) for "free meals", "free noon-day meals" shall be substituted, and for the words "writing materials and clothes" in both places where they occur, the words "and writing materials" shall be substituted. The reason is this, Sir. Under the clause as it stands, the children of guardians too poor to provide meals, to buy books, writing materials and clothes shall, if the Education Committee so recommends, be provided with necessary books, writing materials and clothes free of cost by Government, and free-meals on the days on which the children attend schools, have to be provided by the Government. Sir, the object underlying this provision is this. When Government compel a guardian to send his children to school, Government have a duty if he is not in a position to provide them with meals while in school, to supply the needs. If the clause stands as it is, then it would mean that on every day the child attends the school, it would be the duty of the Government to give the child all the required meals a day. That is taking too much of a responsibility. Wherever compulsory primary education is introduced, the provision is for a noon-day meal for poor children whose guardians are not able to give them a meal. Government introduced this amendment on account of their anxiety to implement the provisions of this Bill and they do not want this Bill simply as an ornamental legislation which they do not want to implement. If this is so it is extremely nececessary that this House should unanimously accept this amendment. With respect to the other amendment, *i.e.*, supply of necessary books, writing materials and clothes free of cost by Government, the Government want to take up the obligation only to supply the necessary books and writing materials and not clothes; to supply that again, not because Government would not like to see the children of poor people well-clothed, but Government cannot take up that responsibility. That only is the reason for moving that amendment.

**Mr. M. Sivarama Menon** *(Constitutional Adviser):* I second it.

**Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri):* Mr. President, I oppose this amendment. I just hinted it when I was moving for the consideration of the Bill that probably on that amendment I will have to raise my voice of protest, though feeble and ineffective it is bound to be. The Hon'ble Minister was saying, Sir, that the implication of having the clause as it is is to provide all the necessary meals for the children, perhaps beginning from bed coffee, then breakfast, then lunch and evening tea and dinner. I do not think, Sir, that the setting in which the words are used and the context in which the words are used will mean all the meals. Of course, if for clarity's sake, it is, necessary, to have the amendment, namely "noon-meals" instead of "meals" by all means, let that portion of the amendment stand. Noon-day meal is quite enough for a child, necessitous child or a child who normally will not go to school, for want of food but is compelled to go to school under the provisions of this Act. I am quite satisfied if the Government are prepared to give noon-day-meals only.

But when we go to the next part of the amendment to the effect that, only books and writing materials can be given, and not clothes, then, Sir, my study of the poor sections of Cochinites living in villages compels me to say that if the Government also knows the conditions in which some villages exist and the condition of people there, if they are anxious to implement the provisions of this Bill and see that every child of the school-going age as prescribed in this Bill does attend the school, the Government irrespective of the question of cost incurrable thereby have to provide clothes, absolutely menimum number of clothes or any other clothing that is necessary to bring these children to school. Now, the position Sir is this. The position as far as such children are concerned, after this Bill goes into the statute Book, children after the age of five will be taken to school —5 plus in the starting point of compulsion and 11 plus is the leaving stage.—Even before a child of the poor in the villages reaches the school—going age, *viz.*, 5 plus, he is utilised at home for making one pie or two pies in the shape of income or one nazhi or one edangazhi of paddy by doing some sort of service. And as the child grows, that child is used more and more to supplement the poor emoluments that such poor persons get by hard manual labour. Not that I commend this process using children for earning money to

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supplement the parents' income, but that is the state of things that is going on and whatever rigorous rules or statutes you may have' that will again continue because from the experience of the working of the Prevention of the Juvenile Smoking Act, we find it is a first class ornament in our Statute Book and nothing more,—wherever you turn your eyes you find the individuals prohibited from smoking by that Act sending out volumes of smoke from their mouths, as if no objection at all exists. In like manner, even if you introduce legislation to prevent adolescent lobour that will go on unnoticed or connived at by the Government. I am not complaining about the Government at all. That will simply go on. The impecunious condition of the parent is a factor which any Government may be induced to connive at in this behalf. That is the condition of the home from which this child is compelled to be sent to school by the guardian. If that is the condition, how is the guardian to provide this child who will not be allowed to go to school naked although I may say, Sir, that as far as the first class is concerned, absolutely no objection exists for a child of five years old, boy or girl, going to school without a loin cloth, without a cloth round its waist. It is enough if it comes to the school as it moves about at home. There is no peculiar environment there which necessitates some yards of cloth to be tied round the waist or to be put down from the shoulders. I personally would not say anything much against that in the first class, but now that you insist even in the first class that the child should be dressed and neatly dressed, here is a case where the guardian is not in a position, however much he may strive, to provide the child which is loved by the parents more than by anybody else. In such cases, if the Government do say that clothes will not be given. I must characterise such a Government as a Government not prepared to do the right thing in the right manner. I do not think Sir, that the Government of the day will go in for that bad name. And I think, if my recollection is correct, the Government of Cochin 12 years back, that is, when the Bill was at consideration stage in this Council, was pleased—even that Government from which it is claimed that there is much difference and in the right line of improvement—they did not raise any objection to prvide a child of the category that I described with the necessary clothing to enable it to go to the school, to mix up with the other children who can afford to have their own clothing. Therefore, I would entreat the Government to see that this amendment, as far as clothes are concerned is not insisted upon by them. Otherwise, if the amendment is insisted upon, you will not be able to work the provisions of the Act. The various amendments passed earlier show that a guardian who is not sending his ward to the school is first given a warning, then he is hauled up and punished. That will apply to the guardian of the child whom I described. Where is the justification? It is not unwillingness on his part to send the child to the school. It is the want of sufficient means to clothe his child which is insisted upon being sent properly clothed, to the school. So, you are in this particular case visiting a punishment upon a man who is not in a position to comply because if his economic condition, to avoid that visitation by you through the warning and snbsequently through the Court. So viewed from any angle, the Government should not press this amendment of theirs. Clothes must be given, but not to all only to such children as are recommended by the committee constituted under the provisions of some other section, consisting of men who know the real condition of the guardian and the child and therefore making a recommendation that a particular child or particular children should be given clothing. It is only to such children that you are asked to give clothes. And if that will not be done, better say, we are not whole-hearted in our mind in accepting this Bill, we want, to borrow the phraseology of the Hon'ble Minister , we want partly as an ornament and partly as a matter to be worked out. You cannot escape that charge. Therefore my respectful submission to the House and the Minister particularly is that this part of the amendment as distingushed from the first part, as I have submitted earlier, free noon-day meals can very well be there—that clothes should be deleted may not be pressed. So long as you insist upon necessary raiments for the child's attendance in school, one who is not in a positon to have it from his pocket, must necessarily be supplied. That is one of the implications of the Compulsory Primary Education Act. If, I submit, Sir, before the House that in the case of children of guardians whom I described earlier, a civilised Government which want to have all its children of the school-going age at the school, at the same time see that by that process nobody is injured, a civilised Government with that feeling will have even to compensate the guardian for disallowing him the use of the child, not for any hard manual labour, but to look after its younger ones when the parents who were the authors of all of them have, out of necessity, to brave the sun and the rain just to feed them and the children, it will not be too much, Sir, on my part that clothes should be supplied to such children if recommended by the local Committee.

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**Mr. President:** Will the Hon'ble Member finish now?

**Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri):* I will take five minutes more.

**Mr. President:** Can we not finish before lunch?

**Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri):* It will be better to continue after lunch.

**Mr. President:** You have a minute more.

**Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri)*; Yes, Mr. President, I shall hold on. I was submitting, Sir, it will not be too much to ask the Government in such cases to compensate the guardians, because that is the condition of the villager, a good many of them, and it is not easily realised with the life that the persons who are responsible for running the Government today, with the life that the Ministers are leading. They will find it rather difficult Sir, to catch me when I say all these things. But I say all these things not only say, I say with a feeling as a result of my seeing, therefore, in order to appreciate and accept as a result of that appreciation, my statement I will invite these aerial Ministers as also these car Ministers to get out of both these and come along those winding lanes of these villages and step in to the poor man's hut on either side—you will tumble down on the way, but you must be prepared—and see and learn the conditions of the actual life of these villagers. A Government, which has not done any the slightest thing to improve the economic condition of the villager although many an empty boast in that line is made when compulsory Primary Education Bill is accepted, by them should not come forward with an amendment denying the grant of necessary raiment for the child who is required at home for purposes which I mentioned earlier, but who is compelled, on pain of a penalty, to attend school, thereby depriving the guardian of the services of the child, not for physical labour, but for other things that I mentioned, and also the guardian is compelled to find money to give the necessary raiment to the child. Is he to steal, Sir? Is that the recommendation that you make, because begging the poorest man in the village hates. It is the other sort of people who go about begging.—I do not say begging for alms.

*The House rose for lunch at 1-30 p. m. and re-assembled at 2-30 p.m. with the Hon'ble President in the Chair.*

**Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri):* Mr. President, I submit that we shall adjourn for some time because the benches are all empty.

**Mr. President:** Yes. I am looking to that. There is provision to suspend the meeting for 15 minutes.

**Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri):* Yes, Sir. Let us wait and see.

**Mr. President:** Now, we can begin.

**Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri):* I was also counting, Sir, so that my energy may not be wasted. Now I can proceed for there is the required quorum. I was submitting, Sir, that the condition of the villager is such that there will be cases where with the best of intentions, with the greatest of anxieties for sending up the ward to school a guardian may not be able to do it because of his inability to clothe the child as required by the school rules. And therefore the provision in the Bill that not only books and other school materials and free meal is supplied, but also the clothes should be allowed to stand. And it is sufficiently safeguarded also. It is not that the clothes or the school materials or anything meant in clause (2) of section 10 is to be given to every child that is compelled to attend school. It is only to be given to such of them as are recommended by the committee that do not possess the means to have their own clothing materials in their own home. So, if you are not going to disrespect the committee which is a creature of the Bill, you have necessarily to accept what is contained in the section as it originally stood and not press the amendment. I was also mentioning in the forenoon that the predecessor of this Bill that was considered here on 22nd January 1937 had an identical provision that the children of necessitous guardians may, if the Education Committee so recommends be provided with the use of necessary books and writing materials, free of cost by the Government and those children who are especially recommended by the Education Committee may also be provided with free meal on those days attending as also necessary clothing. Then there was an amendment, some Hon'ble Members are seen to have attempted to change that 'may' into 'shall'. That is the only amendment that was attempted. And finally that amendment was passed. So, my submission, Sir, is this: that there is absolutely no justification for the amendment tabled by the Hon'ble Minister for



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[Mr. P. Kumaran Ezhuthassan]

Education to deprive or not to supply clothes to the sort of children mentioned in the clause. So I will earnestly request him to be pleased not to press it and be prepared to incur the expenditure that will be caused by the retention of that clause or the non-pressing of the amendment. It may not be much, Sir in the shape of cost. It is not all that have to be given clothes, that have to be given the necessary clothes. Any minimum of clothing may be prescribed and it is not for all time also. If the economic condition of the guardian is seen to be improving or has improved as assessed by the committee which has the duty to look into these things, one who was getting clothing....

**Mr. President:** It is with regard to clothes. The Hon'ble Member wants that clothes should also be given. That means that it should be deleted from this amendment.

**Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri):* Yes, Sir, that part of the amendment may not be pressed is my position. As I submitted earlier, if emphasis is to be laid on noon-day meal, let it be so. With regard to the other part of it, writing materials and all that the Minister has no complaint. On the ground of perhaps too much of cost it is that he has tabled, as it is a responsibility which the Government must think many times before it accept the position, it must be the reason behind the amendment. But I will point out to him that it is not very much and though it will be something, it is sufficiently safeguarded, because the committee alone, on the special recommendation of the committee; men on the spot, this item of expenditure will have to be incurred. It need not always be a recurring expenditure for five years or more years that the child may be in school. In the course of the study in the primary classes, the guardian's economic condition may improve, which will be noted by the committee and the recommendation that such and such a child need not be supplied with clothes will be immediately made. The expenditure which you have to incur is ufficiently safeguarded. Therefore I repeat my request to the Minister not to press that part of the amendment.

മിസ്റ്റർ പി. ഗോവിന്ദമേനോൻ: ഈ വിഷയത്തെപ്പറ്റി.....

**Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri):* I think the other Members can speak after the Minister's speech.

**Mr. K. S. Paniker** *(Ezhuvas Trichur):* On a point of information, Sir. "The children of guardians too poor to provide meals, to buy books, writing materials and clothes shall, if the Education Committee so recommends be provided with the use of necessary books, writing materials and clothes free of cost by the Government, and free meals on the days on which the chidren attend school".

എഡ്യൂക്കേഷൻ കമ്മറ്റി, റക്കമെൻറ ചെയ്യാൽ മാത്രമേ ഇതുപ്രകാരം കൊടുക്കാൻ പോകുന്നുള്ളൂ. രക്ഷകത്താക്കന്മാർ വളരെ ദരിദ്രരാണെങ്കിൽ മറ്റുള്ള സൌജന്യങ്ങളും കൊടുക്കാമെങ്കിൽ, ഉണിമാത്രം എന്തിനാണ വിട്ടുകളയുന്നതു"?

*മിസ്റ്റർ പി. ഗോവിന്ദമേനോൻ: സർ, ഈ വിഷയത്തെപ്പറ്റി ബഹുമാനപ്പെട്ട മെമ്പർമാരും ഗവമ്മെണ്ടും തമ്മിൽ വലിയ അഭിപ്രായവ്യത്യാസമുണ്ടെന്നു തോന്നുന്നില്ല. ഈ നിയമംമൂലം ഈ നാട്ടിലെ ചെറിയ കുട്ടികളെ നിർബ്ബന്ധമായി സ്കൂളിലേക്കയക്കണം. അവക്കു തുണിയില്ലാത്തതുകൊണ്ടു", ആഹാരമില്ലാത്തതുകൊണ്ടു" അതെല്ലെങ്കിൽ പുസ്തകമില്ലാത്തതുകൊണ്ടു" പഠിക്കാൻ സാധിക്കാതെ വരുകയെന്നുള്ളതു വിഷമമുള്ള കാര്യമാണു". കുട്ടികളെ സ്കൂളിലേക്കു അയച്ചിട്ടില്ലായെന്നുണ്ടെങ്കിൽ പ്രോസിക്യൂട്ട ചെയ്യാനുള്ള വ്യവസ്ഥ ഇതിലുണ്ടു". അതുകാരണം പ്രഥമ ശ്രവണത്തിൽ ബഹുമാനപ്പെട്ട മെമ്പർമാർ പറയുന്നതു ശരിയാണെന്നു" തോന്നിയേക്കാം. ഇവിടെ ആലോചിക്കാനുള്ളതു" ഈ നിയമം ഇവിടെ വേണമോ, വേണ്ടയോ എന്നുള്ളതാണു". ഒരു ലജിസ്ലേഷൻ ഉണ്ടാക്കുന്ന കാലത്തു ഈവക കാര്യങ്ങളല്ല ആലോചിക്കേണ്ടതു". പ്രാസിക്യൂഷൻ വരുന്ന സന്ദർഭത്തിൽ തുണി കിട്ടിയില്ല അതുകൊണ്ടാണു" കുട്ടിയെ സ്കൂളിൽ അയക്കാതിരുന്നതു" എന്നു വാദിക്കാൻ രക്ഷകത്താക്കന്മാർക്കു" സൌകര്യം കൊടുക്കുകയില്ല ദാരിദ്ര്യംമൂലം നഗ്നത മറക്കാൻ നിവൃത്തിയില്ലാത്ത തന്റെ കുട്ടികളെ സ്കൂളിലേക്കു അയച്ചില്ലായെന്ന കാരണത്തിനു", അങ്ങിനെയുള്ള കുട്ടികൾക്കു തുണി കൊടുക്കാതെ ഗവമ്മെണ്ടു പ്രാസിക്യൂട്ട ചെയ്യും എന്നു വിചാരിക്കുന്നതു വലിയ അബദ്ധമാണു". ദരിദ്രരായ കുട്ടികൾക്കു ഇപ്പോൾ ഗവമ്മെണ്ടു പുസ്തകങ്ങളും മറ്റും കൊടുക്കുന്നതു" സ്റ്റാറ്റ്യൂട്ടറി പ്രൊവിഷൻ അനുസരിച്ചല്ല. ഗവമ്മെണ്ടു ഓഡർ അനുസരിച്ചാണു" കൊടുക്കുന്നതു". അതുകൊണ്ടു" ബഹുമാനപ്പെട്ട മെമ്പർ പറയുന്ന അബദ്ധം ഇതിൽ ഉണ്ടാകയില്ല. ഇ

*Speech not corrected by the Hon'ble Member.

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ങ്ങിനെയുള്ള കായ്ത്തിനു അതായതു് തുണിയില്ലാത്തകാരണം കൊണ്ടു് സ്കൂളിലേക്കയച്ചില്ലായെന്നുള്ള കുറത്തിനു് ആ കുട്ടിയുടെ രക്ഷകർത്താവിനെ പ്രാസിക്യൂട്ട ചെയ്യുമെന്നു് എനിക്കു തോന്നുന്നില്ല. അങ്ങിനെയുള്ള കായ്ങ്ങൾകൊണ്ടു് അനവധി കുട്ടികളെ സ്കൂളിലേക്കയക്കുന്നില്ലെങ്കിൽ, ഒരു എക്സിക്യൂട്ടീവു് ഓർഡർ അനുസരിച്ചു് ഈവക ബുദ്ധിമുട്ടുകൾ തീക്കാൻ സാധിക്കും. എന്നാൽ ഒരു ലജിസ്ലേഷൻ ഉണ്ടാക്കുന്ന കാലത്തു അതിനുവേണ്ട കായ്ങ്ങളാണു് ഇവിടെ ആലോചിക്കുന്നതു്. The children of guardians too poor to provide meals, to buy books, writing materials and cloth shall if the Education Committee so recommends be provided with the use of necessary books, writing materials and clothes free of cost by the Government and free meals on the days on which the children attend school. ഒരു ലജിസ്ലേഷൻ ഉണ്ടാക്കുന്ന കായ്ത്തിൽ ഈ വകുപ്പിൽ പറഞ്ഞിട്ടുള്ള കായ്ങ്ങളെപ്പറ്റി അതു ഗൌരവമായി ആലോചിക്കേണ്ടതുണ്ടെന്നു തോന്നുന്നില്ല. ഗവമ്മെണ്ടിനു അബദ്ധം ചെയ്യണമെന്ന വിചാരമില്ല. ദരിദ്രരായ കുട്ടികൾക്കു സകല സഹായവും ഗവമ്മെണ്ടു ഇപ്പോൾ ചെയ്തുകൊടുക്കുന്നുണ്ടു്. അവക്കു പുസ്തകം കൊടുക്കണം, റൈറ്റിങ്ങു് മെറ്റീരിയത്സു് കൊടുക്കണം, വസ്ത്രം കൊടുക്കണം ഇതെല്ലാം തീരുമാനിക്കാനുള്ള അവകാശം ഗവമ്മെണ്ടിനു വിട്ടതരണം. അതൊന്നും ഈ ക്ലോസിൽ ചേർക്കേണ്ട ആവശ്യമില്ല. ഒരു ലജിസ്ലേഷൻ ഉണ്ടാക്കുന്ന കാലത്തു ഈവക നിബന്ധനകളും ഒന്നും ഉൾപ്പെടുത്തേണ്ട ആവശ്യമില്ല. ദരിദ്രരായ കുട്ടികൾക്കു എന്തൊക്കെയാണു് സഹായം ചെയ്യേണ്ടതു എന്നുള്ളതു് ഗവമ്മെണ്ടു അന്വേഷിച്ചു പ്രവർത്തിക്കുന്നുണ്ടു്. അധഃകൃത വിദ്യാർത്ഥികൾക്കു് കൊടുക്കുന്ന സൌജന്യങ്ങൾതന്നെ ഇതിനു ഉദാഹരണമാണു്. അതു് ഒരു ലജിസ്ലേഷൻ അനുസരിച്ചല്ല കൊടുക്കുന്നതു്. ഗവമ്മെണ്ടു അങ്ങിനെ കൊടുക്കണമെന്നു തീരുമാനിച്ചതനുസരിച്ചാണു് കൊടുക്കുന്നതു്. ഈ ബിൽ നിയമമാകുമ്പോൾ ഇതിൽ ഏതെല്ലാം ഭാഗമാണു് നടപ്പിൽ വരുത്തേണ്ടതു് എന്നു തീരുമാനിക്കാനുള്ള അവകാശം ഗവമ്മെണ്ടിനാണു്. ഈ നടപ്പിൽ വരുത്തുന്ന അവസരത്തിൽ എന്തൊക്കയാണു് ചെയ്യേണ്ടതു എന്നു് തീരുമാനിക്കാൻ ഗവമ്മെണ്ടിനു ചുമതലയുണ്ടു്. അതുകൊണ്ടു് ക്ലോത്തു കൊടുക്കണം എന്നു പറയുന്നതുപോലെയുള്ള അവ്യക്തമായ കായ്ങ്ങൾ ഒരു നിയമനിർമ്മാണം ചെയ്യുന്ന അവസരത്തിൽ കൊണ്ടുവരേണ്ട ആവശ്യമില്ല. ക്ലോത്തു കൊടുക്കണമെന്നുള്ളതു് ഇതിൽ പെടുത്തിയാൽതന്നെ ½മുഴം തുണികൊടുത്താൽ അതു നിയമം അനുസരിക്കുന്നതായിരിക്കും. ഈ വിധത്തിലുള്ള അബദ്ധങ്ങൾ വരാതിക്കാൻ വേണ്ടിയിട്ടാണു് അതൊന്നും ഗവമ്മെണ്ടു ഇതിൽ ഉൾപ്പെടുത്താതിരിക്കുന്നതു്. ദരിദ്രരായ കുട്ടികളുടെ വിദ്യാഭ്യാസത്തിനുവേണ്ടി എത്ര പണവും ഗവമ്മെണ്ടു ചിലവാക്കാൻ തയ്യാറാണെന്നു് അധഃകൃതക്കു കൊടുത്തുവരുന്ന സൌജന്യങ്ങൾതന്നെ ലക്ഷ്യമല്ലെ? അതുകൊണ്ടു് ഈ അമൻറുമെൻറിനെ സപ്പോർട്ടു ചെയ്യണമെന്നു ഈ സഭയോടു അപേക്ഷിക്കുന്നു.

**Mr. President :** Now, the question is.....

**Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri)*: Sir, the two parts of the amendment may be put separately. I agree with the first amendment. So I cannot say "no" to it. There are two parts.

**Mr. P. Govinda Menon** *(Minister for Food and Education)*: There are two amendments (*a*) and (*b*).

**Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri)*: There are two parts—for "free meals" "free noon-day meals" may be substituted and for "writing materials and clothes" "and writing materials" may be substituted. I agree with the first amendment and so the two parts may be put separately is the request, Sir.

**Mr. M. Sivarama Menon** *(Constitutional Adviser)*: The Hon'ble Member says that the amendment may be split into two.

**Mr. P. Govinda Menon** *(Minister for Food and Education)*: That may be done.

**Mr. President :** The question is that in sub-clause (2) for "free meals" "free noon-day meals" shall be substituted.

*Motion put and carried*

**Mr. President :** The question is that for the words "writing materials and clothes" in both places where they occur, the words "and writing materials" may be substituted.

*Motion put and carried*

*Clause 10 as amended put and carried*

*Clause 11 and 12 put and carried*

*Clause 1, title and preamble put and carried*



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**Mr. P. Kumaran Ezhuthassan** (*Vadakkancheri*): Sir I would seek to enquire whether the third reading of the Bill can be had some hours hence, as was done in the case of the Verupattamdars Act. If the Government is serious about this Bill, that can be done.

**Mr. M. Sivarama Menon** (*Consititutional Adviser*): The wording of the rule is that "at a subsequent sitting".

**Mr. P .Kumaran Ezhuthassan** (*Vadakkancheri*): But in the instance I quoted, the second and third reading was taken up the same day.

**Mr. P. Govinda Menon** (*Minister for Food and Education*): I can understand the anxiety of the Hon'ble Member and I agree with him. But the Bill will be of any applicability only from Edavam 1123 and therefore there is nothing lost in taking this up in the next sitting.

**Mr. P. Kumaran Ezhuthassan** (*Vadakkancheri*): Sir, I cannot understand the working of the machinery. I thought it will come into play very soon.

**Mr. P. Govinda Menon** (*Minister for Food and Education*): Even if you are most anxious to put the Bill into effect, unless we change the school year we won't be able to make use of this Bill before Edavam 1123.

**Mr. P. Kumaran Ezhuthassan** (*Vabakkancheri*): The question is whether you have got the will. Then we are secure.

**Mr. P. Govinda Menon** (*Minister for Food and Education*): The will is there.

**Mr. P. Kumaran Ezhuthassan** (*Vadakkancheri*): Mr. President, If so I move that the Bill may be taken up and finally passed at the next meeting.

**Mr. M. Sivarama Menon** (*Constitutional Advisor*): Next meeting, that is tomorrow? That is a special sitting.

**Mr. P. Kumaran Ezhuthassan** (*Vadakkancheri*): Sir, I meant only the next regular meeting.

**Mr. M. Sivarama Menon** (*Constitutional Adviser*): There is no necessity to move that now. It is usual to give notice for the next sitting that the Bill may be taken up and passed.

**Mr. P. Kumaran Ezhuthassan** (*Vadakkancheri*): Sir, this is the same procedure that was adopted in the earlier instance by me. After the second reading was over it was moved that the Bill may be taken up and finally passed at the next meeting and that was allowed. Of course, there has been deterioration since that day.

**Mr. P. Govinda Menon** (*Minister for Food and Education*): Or it may be improvement.

**Mr. M. Sivarama Menon** (*Constitutional Adviser*): I second the motion.

*Motion put and carried*

## The Cochin Verumpattamdars (Condonation of For feiture) Bill

**Mr. President**: The next is Mr. K. T. Achuthan's Bill—The Cochin Verumpattamdars (Condonation of Forfeiture) Bill.

**Mr. K. T. Achuthan** (*Ezhuvas-Mukundapuram*): I don't move it this session.

**Mr. P. Kumaran Ezhuthassan** (*Vadakkancheri*): Shame, Shame. This is the second time. Socialism ! Save us from such Socialism.

## (3) Women's Fundamental Right to Property Bill

**Mrs. T. Francis** (*Women-Ernakulam*): I beg leave to introduce the Women's Fundamental Right to Property Bill.

**Mr. K. S. Panicker** (*Ezhuvas-Trichur*): I second it.

*Motion put and carried*

## The Cochin Removal of Discrimination of Women's Wages Bill

**Mrs. T. Francis** (*Women-Ernakulam*): I beg leave to introduce the Cochin Removal of Discrimination of Women's Wages Bill.

**Mr. P. K. Dewer** (*Nominated*): I second it.

*Motion put and carried*

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